

Water Bureau

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How do I transfer ownership of wastewater discharge permits issued by Michigan Department of Environmental Quality (MDEQ), Water Bureau (WB)?

A: Transferring ownership under the National Pollutant Discharge Elimination System (NPDES) and Groundwater Discharge permit programs requires a letter and some supporting documentation. Groundwater Discharge and NPDES permits both contain specific permit conditions related to transfer of ownership or control. These permits specifically state:

"In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing:

- 1) the legal name and address of the new owner;
- 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and
- 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules."

Existing Permittee Requirements

There is no form for this request and a notification letter containing the above information from the existing permittee to MDEQ, with a copy to the new permittee, would fulfill their permit notification obligations. The letter should be mailed to WB, Permits Section, PO Box 30273, Lansing, Michigan 48909-7773. The WB District Supervisor should also be copied as a notification of the plan to change ownership and pending modification request.

New Owner Requirements

Upon completion of the sale the new owner should submit a letter to the Water Bureau Permits Section requesting that the permit file and permit document be modified to reflect the change in ownership. Any planned changes in process or discharge shall be identified in this letter along with any changes to the facility contact, billing contact, certified operator and any address changes.

The letter should state that the new permittee will comply with the terms and conditions of the permit and shall be signed by a representative of the new permittee at the following level:

- Corporation: by the principal executive officer or vice president or higher, or his/her designated representative if the representative is responsible for the overall operation of the facility from which the discharge described originates.

- Partnership: by a general partner
- Sole proprietorship: by the proprietor
- Municipal, state, or other public facility: by a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee

Permits Section will not modify the permit documents until after the change in ownership has been completed. Change in ownership is a minor modification which does not require payment of a fee. The letter should be mailed to WB, Permits Section, PO Box 30273, Lansing, Michigan 48909-7773 with a copy to the WB District Supervisor.

NPDES Industrial Storm Water Permit Program

A transfer of ownership form has been developed for use in this program. It can be found online at: www.michigan.gov/deqwater, select "Surface Water" then "Storm Water" and then "Industrial Storm Water Program." The facility with coverage on December 31 will be billed for the annual storm water fee for that year. The request should be mailed to the WB Permits Section as listed on the form with a copy to the WB District Supervisor.